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12
13 IN THE UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,
16 Plaintiff,
17 V.
18 JOSE AVALOS-CASTRO,
19 Defendant.

CASE NO. 1:20-CR-00093-NONE-SKO

20 UNITED STATES OF AMERICA,
21 Plaintiff,
22 v.
23 REYNALDO VILLANUEVA,
24 ,
25 Defendant.

CASE NO. 1:20-CR-00094-NONE-SKO

26 STIPULATION REGARDING EXCLUDABLE
27 TIME PERIODS UNDER SPEEDY TRIAL ACT;
28 FINDINGS AND ORDER

DATE: August 17, 2020
TIME: 1:00 p.m.
COURT: Hon. Sheila K. Oberto

29 Defendants Jose Avalos-Castro and Reynaldo Villanueva were arraigned on June 18, 2020. This
30 case is set for a status conference on August 17, 2020. On July 17, 2020, the Honorable Judge Drozd
31 held a hearing on the defendants' motion to dismiss the criminal charges, and the matter was taken under
32 submission. In light of the fact that the motion is now under submission, the parties hereby stipulate that
33 time should be excluded from today's date through the August 17, 2020 status conference.

34
35 **STIPULATION**

36 Plaintiff United States of America, by and through its counsel of record, and defendants, by and

1 through defendants' counsel of record, hereby stipulate as follows:

2 1. By previous order, this matter was set for status on August 17, 2020.

3 2. By this stipulation, defendants and the government now move to exclude time between
4 July 17, 2020, and August 17, 2020, under Local Code T4.

5 3. The parties agree and stipulate, and request that the Court find the following:

6 a) The government has represented that the discovery associated with this case
7 includes wire and electronic interceptions, transcripts, line sheets, investigative reports and
8 related documents, criminal history reports, photographs, video and audio recordings, and search
9 warrants and other court orders. The discovery in this case is voluminous, consisting of many
10 terabytes of electronic surveillance data in addition to thousands of pages of reports and other
11 documents. The government has provided some of this discovery and will continue to provide it
12 on an ongoing basis.

13 b) Due to the ongoing COVID-19 pandemic, counsel has not had an adequate
14 opportunity to review discovery with his client in person. Counsel for defendants desire
15 additional time review discovery provided by the government, conduct additional investigation
16 regarding the charges, consult with his client, and discuss potential resolution with the
17 government.

18 c) Counsel for defendants believe that failure to grant the above-requested
19 continuance would deny him/her the reasonable time necessary for effective preparation, taking
20 into account the exercise of due diligence.

21 d) The government does not object to the continuance.

22 e) Based on the above-stated findings, the ends of justice served by continuing the
23 case as requested outweigh the interest of the public and the defendants in a trial within the
24 original date prescribed by the Speedy Trial Act.

25 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
26 et seq., within which trial must commence, the time period of August 17, 2020 to September 28,
27 2020, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
28 T4] because it results from a continuance granted by the Court at defendants' request on the basis

1 of the Court's finding that the ends of justice served by taking such action outweigh the best
2 interest of the public and the defendants in a speedy trial.

3 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
4 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
5 must commence.

6 IT IS SO STIPULATED.

7
8 Dated: July 17, 2020

McGREGOR W. SCOTT
United States Attorney

9
10 Dated: July 17, 2020

/s/ KATHERINE E. SCHUH
KATHERINE E. SCHUH
Assistant United States Attorney

11
12 Dated: July 17, 2020

/s/ EMILY TAKAO
EMILY TAKAO
Counsel for Defendant
Jose Avalos-Castro

13
14 Dated: July 17, 2020

/s/ NICHOLAS REYES
NICHOLAS REYES
Counsel for Defendant
REYNALDO VILLANUEVA

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17 FINDINGS AND ORDER

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19 IT IS SO ORDERED.

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21 Dated: July 20, 2020

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23 /s/ *Sheila K. Olvera*
UNITED STATES MAGISTRATE JUDGE